ENGINEERING PROFESSION ACT

CHAPTER 90:01

Act
34 of 1985

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CHAPTER 90:01

ENGINEERING PROFESSION ACT

An Act respecting the registration of engineers and otherwise regulating the practice of engineering. 34 of 1985.

[12TH DECEMBER 1985] Commencement.

1. This Act may be cited as the Engineering Profession Act. Short title.

2. In this Act— Interpretation.

"Accreditation Committee" means the Committee referred to in section 18;

"Appeals Tribunal" means the Tribunal referred to in section 8;

"Assessment Committee" means the Committee referred to in section 19;

"Association of Professional Engineers" means the body incorporated by the Association of Professional Engineers of Trinidad and Tobago Incorporation Ordinance; Ord. 31 of 1961.

"Board" means the Board of Engineering established under section 11;

"Minister" means the Minister to whom responsibility for public works has been assigned;

"registered engineer" means an engineer registered under this Act.

3. No person, not being a registered engineer shall— Prohibitions.

(a) use any title or description that leads to the belief that he is registered as a registered engineer;

(b) advertise himself as a registered engineer;

(c) act in a manner so as to create or induce the belief that he is a registered engineer; or

(d) sign or stamp any plans, drawings, designs or specifications purporting to be acting in the capacity of such registered engineer.

Qualifications for registration.

4. (1) A person who holds membership at the grade of Member or Fellow in the Association of Professional Engineers at the date of commencement of this Act and who continues to hold such membership at the time of application for registration is entitled as of right to be registered as a registered engineer.

(2) Subject to section 5, a person is entitled to be registered as a registered engineer under this Act if, on application made to the Board, he satisfies the Board that—

(a) he is qualified to be registered as a registered engineer; and

(b) he is a fit and proper person to practise as a registered engineer.

(3) For the purposes of subsection (2) a person is qualified to be registered as a registered engineer if—

(a) he has been awarded a degree, diploma or other qualification in Engineering granted by a University or School of Engineering that in the opinion of the Board, is evidence of satisfactory training in engineering; and

(b) he has had not less than four years experience in the practice of engineering and has acquired such standard of proficiency as may be approved by the Board.

(4) An application for registration shall be made to the Secretary of the Board in a form approved by the Board.

(5) A person who wishes to be registered under this Act shall furnish to the Secretary of the Board—

(a) evidence of his qualifications and experience;

(b) proof of his identity; and

(c) such other information as the Board requires in respect of the matters referred to in subsection (3) or under subsection (1) of section 5 as the case may be.

Registration of persons who lack qualification.

5. (1) Notwithstanding section 4, any person who does not possess the qualification specified in that section but who, on application made to the Board within one year of the commencement of this Act, satisfies the Board that—

(a) he has had, before the commencement of this Act, ten years experience in the practice of engineering; and

(b) he is a fit and proper person to be registered as a registered engineer,

is entitled to be registered as a registered engineer.

(2) In determining whether a person satisfies the requirements of subsection (1), the Board may conduct an investigation relating to the experience in engineering of that person as it considers necessary and may require that person to undergo a written or oral examination in engineering or both such written and oral examination.

The Register.

6. The Board shall cause to be kept a register of registered engineers to be known as the Register of Registered Engineers in which shall be entered such particulars as may be prescribed.

Certificate of Registration.

7. (1) Where the requirements for registration have been satisfied, the Board shall, upon receipt of the prescribed fee from the applicant enter the name of the applicant in the register and issue to him a Certificate of Registration.

(2) Where the Board refuses an application for registration as a registered engineer it shall provide reasons for such refusal.

Appeals Tribunal.

8. There shall be established an Appeals Tribunal appointed by the Board and consisting of three registered engineers of no less than ten years experience, not being members of the Board, which tribunal shall hear all appeals against the refusal of the Board to register an applicant as a registered engineer.

Redress for rejected applicants.

9. (1) A person aggrieved by the refusal of the Board to register him under this Act may—

(a) within three months of such refusal appeal to the Appeals Tribunal; or

(b) where he is of the view that there are additional facts or that fresh circumstances have arisen which warrant the reconsideration by the Board of his application for registration, reapply to the Board for such reconsideration no sooner than twelve months from the date of such refusal.

(2) A person who appeals under subsection (1) is entitled to be represented at the hearing by his legal adviser.

Code of Ethics. Schedule.

10. (1) A registered engineer shall conform to the Code of Ethics for registered engineers set out in the Schedule.

(2) A registered engineer who breaches any provision of the Code of Ethics is liable to disciplinary action by the Board.

(3) The Code of Ethics may be amended by Order of the Board with the approval of the Minister.

Establishment, incorporation and composition of Board.

11. (1) There shall be established as a corporate body a Board of Engineering appointed by the Minister and consisting of—

(a) four registered engineers nominated by and holding membership in the Association of Professional Engineers of Trinidad and Tobago;

(b) a public officer who is registered or is eligible to be registered as a registered engineer;

(c) two persons appointed to represent the public interest.

(2) A Chairman shall be appointed by the Board from among its members.

(3) Only citizens of or persons who are ordinarily resident in Trinidad and Tobago shall be eligible to be appointed to the Board.

(4) A person appointed to the Board under paragraph *(a)* or *(b)* of subsection (1) shall have been engaged in the practice of engineering for at least eight years.

Term of office of Board members.

12. A person appointed to the Board holds office for a term of three years but is eligible for reappointment for a maximum of two further consecutive terms.

Meetings and quorum.

13. (1) The Board shall hold meetings at such times as may be necessary or expedient for the purpose of fulfilling its functions and such meetings shall take place not less than twice in each calendar year.

(2) Ten days notice in writing of every meeting of the Board shall be given to each member of the Board.

(3) A quorum of any meeting of the Board shall be four members but in other respects the Board may regulate its own procedure.

Resignation.

14. (1) A member of the Board other than the Chairman may at any time resign his office by instrument in writing addressed to the Minister and transmitted through the Chairman.

(2) The Chairman may at any time resign his office by instrument in writing addressed to the Minister.

Vacancies.

15. Where a vacancy occurs in the membership of the Board such vacancy may be filled by the Minister on the same basis on which the appointment becoming vacant was made and the new member shall hold office for the remainder of the period for which his predecessor was appointed.

Functions of the Board.

16. The functions of the Board are—

(a) to assess the qualifications and experience of persons applying for registration as registered engineers;

(b) to conduct examinations of persons applying for registration as registered engineers;

(c) to register engineers and issue certificates of registration;

(d) to monitor adherence to and investigate breaches of the Code of Ethics;

(e) to exercise disciplinary control over registered engineers;

(f) to keep published for public scrutiny in a format to be decided by the Board and notified in the *Gazette* a list of qualifications and institutions recognised by the Board in respect of the engineering training required by this Act;

(g) to advise the Minister on such amendments to this Act as it considers desirable; and

(h) generally to regulate the practice of engineering in accordance with this Act.

Committees.

17. (1) The Board may establish committees to assist in the exercise of its functions and shall establish an Accreditation Committee and an Assessment Committee.

(2) Members of committees need not be members of the Board.

Accreditation Committee.

18. (1) The functions of the Accreditation Committee are to assess and keep under review the academic qualifications for registration as a registered engineer and to scrutinise, examine and investigate the academic qualifications of individual applicants for registration as registered engineers.

(2) The Accreditation Committee shall assist the Board—

(a) in the preparation and conduct of such examinations as the Board considers necessary;

(b) in the preparation of the list of qualifications and institutions required by section 16 to be published for public scrutiny.

Assessment Committee.

19. The functions of the Assessment Committee are to review the engineering work done by applicants seeking to qualify for registration and to make recommendations in this regard to the Board.

Disciplinary Committee.

20. (1) There shall be a Disciplinary Committee of the Board of three or more registered engineers not being members of the Board who shall be appointed by the Board.

(2) The Disciplinary Committee shall investigate and report to the Board on any allegation of misconduct or breach of the Code of Ethics by any registered engineer as to whether there are grounds for disciplinary proceedings being brought against such registered engineer.

(3) On receipt of such report from the Disciplinary Committee the Board shall decide whether or not disciplinary proceedings shall be brought and if such proceedings are brought shall furnish a copy of such report to the registered engineer against whom they are brought.

(4) The report of the Disciplinary Committee may be used in such proceedings but the Board shall not be restricted to evidence mentioned or referred to in such report.

Disciplinary proceedings.

21. (1) In any disciplinary proceedings held by the Board, the Board shall in addition to any other requirement imposed by Regulations—

(a) furnish adequate notice to the party before it, stating the nature and details of the misconduct or breach;

(b) allow the person against whom the misconduct or breach is alleged the right to be heard in his defence, to be represented by his legal adviser where so requested and the right to cross-examine any witness called by the Board.

(2) Where the Board fails to comply with subsection (1) any decision taken by the Board which adversely affects the career or interest of the person subjected to the disciplinary proceedings is void.

(3) In exercise of its disciplinary powers the Board may, where it is satisfied that an allegation of misconduct is proved, censure the registered engineer or suspend or cancel his Certificate of Registration.

Registrar/ Secretary.

22. The Board shall appoint a registered engineer to perform the functions of Registrar/Secretary.

Functions of the Registrar/ Secretary.

23. (1) The functions of the Registrar/Secretary are—

(a) to maintain the Register of Registered Engineers and to keep the Register open for public scrutiny at such fee as may be prescribed;

(b) to endorse in the Register such particulars of a registered engineer as may be prescribed;

(c) to collect all fees;

(d) to publish at least once in every year in the *Gazette,* the Register and a list of those persons whose Certificates of Registration have been suspended or cancelled; and

(e) to perform such other functions as the Board may prescribe.

(2) A copy of the *Gazette* listing the information required to be published in subsection (1)*(d)* is admissible in any proceedings, as evidence that a person is or is not registered as a registered engineer or has had his Certificate of Registration suspended or cancelled.

Application fee.

24. An applicant for registration as a registered engineer shall pay such fees as may be prescribed.

Annual fee.

25. A registered engineer shall pay such annual practice fee to the Board as may be prescribed.

Other fee.

26. A registered engineer shall on payment to the Board of the prescribed fee have endorsed on the register and on his Certificate of Registration any further registrable qualifications acquired subsequent to registration.

Offences and penalties.

27. (1) No person shall—

(a) fraudulently procure or attempt to procure the registration under this Act of himself or any other person by making or producing or causing to be

made or produced any false or fraudulent representation, statement or declaration, either orally or in writing;

(b) fraudulently make, cause or permit to be made—

(i) any false or incorrect entry or copy of an entry in the register;

(ii) any alteration in any entry or copy of any entry in the register.

(2) A person who contravenes the provisions of this section or section 3 is liable on summary conviction to a fine of five thousand dollars and to imprisonment for two years.

Consent of Director of Public Prosecutions.

28. The consent of the Director of Public Prosecutions shall be obtained before any criminal proceedings are brought under this Act.

Regulations.

29. The Minister after consultation with the Board and subject to negative resolution of Parliament may make Regulations for the carrying out of the functions of the Board including provisions for—

(a) the registration of registered engineers and the issue of Certificates of Registration;

(b) the contents of the register including the classes of engineering discipline in which an engineer may be qualified and in respect of which his name shall be entered in the register;

(c) the disciplining of registered engineers;

(d) the review, payment and collection of fees;

(e) the conduct of examinations; and

(f) the prescribing of anything required by this Act to be prescribed.

(Section 10).

SCHEDULE

CODE OF ETHICS

Article 1. A registered engineer owes a duty to the public, to his employers and clients, to other members of his profession and to himself and shall act at all times with—

(a) fidelity to public needs;

(b) fairness and loyalty to his associates, employers, clients, subordinates and employees; and

(c) devotion to high ideals of personal honour and professional integrity.

THE PUBLIC

Article 2. A registered engineer—

(a) shall express any opinion on engineering matters only on the basis of adequate knowledge and honest conviction;

(b) shall ensure, to the best of his ability, that the statements on engineering matters attributed to him are not misleading and properly reflect his professional opinion; and

(c) shall not express publicly or while he is serving as a witness before a Court, commission or other tribunal, opinions on professional engineering matters that are not founded on adequate knowledge and honest conviction.

Article 3. A registered engineer—

(a) shall have proper regard for the safety, health and welfare of the public in the performance of his professional duties;

(b) shall notify the proper authorities of any situation which he considers, on the basis of his professional knowledge, to be a danger to public safety or health; and

(c) shall complete, sign or stamp only those plans or specifications which reflect proper regard for the safety and health of the public.

Article 4. A registered engineer—

(a) shall endeavour to extend public understanding of engineering and its place in society;

(b) shall endeavour at all times to enhance the public regard for, and its understanding of, his profession by extending the public knowledge thereof and discouraging untrue, unfair or exaggerated statements with respect to professional engineering; and

(c) shall not give opinions or make statements on professional engineering projects connected with public policy where such statements are inspired or paid for by private interests unless he clearly discloses on whose behalf he is giving the opinions or making the statements.

Article 5. A registered engineer—

(a) shall not be associated with enterprises contrary to the public interest or sponsored by persons of questionable integrity, or persons who do not conform to the basic principles of the Code of Ethics;

(b) shall conform to the provisions of this Act in his practice of engineering;

(c) shall not sanction the publication of his reports in part or in whole in a manner calculated to mislead and if it comes to his knowledge that they are so published, he shall take immediate steps to correct any false impressions given by them.

Article 6. A registered engineer shall sign or stamp only those plans, specifications and reports actually prepared by him or under his direct professional supervision.

THE EMPLOYER AND CLIENT

Article 7. A registered engineer—

(a) shall act for his client or employer as a faithful agent;

(b) shall be realistic and honest in all estimates, reports, statements and testimony;

(c) shall admit and accept his own errors when proven obviously wrong and refrain from distorting or altering the facts in an attempt to justify his decision;

(d) shall so advise his client or employer when he believes that a project will not be successful;

(e) shall not accept outside employment to the detriment of his regular work or interest, or without the consent of his employer;

(f) shall not attempt to attract an engineer from another employer by unfair methods; and

(g) shall engage, or advise on engaging, experts and specialists when such services are in his client's or employer's best interests.

Article 8. A registered engineer—

(a) shall not disclose confidential information pertaining to the interests of his clients or employers without their consent;

(b) shall not use information coming to him confidentially in the course of his assignment as a means of making personal gain except with the knowledge and consent of his client or employer as the case may be; and

(c) shall not divulge any confidential findings resulting from studies or actions of any commission or board of which he is a member or for which he is acting without the consent of the commission or board.

Article 9. A registered engineer shall present clearly to his clients or employers the consequences to be expected if his professional judgment is overruled by non-technical persons or bodies in matters pertaining to work for which he is professionally responsible.

Article 10. A registered engineer—

(a) whose interest is likely to be affected whether directly or indirectly by any decision of his client or employer on any matter whatsoever shall in writing disclose to his client or employer the nature of his interest immediately after the relevant facts have come to his knowledge;

(b) shall be treated as having an indirect interest in a matter with which his client or employer is concerned if he or his spouse is a director, shareholder, partner or employee of a person who is a party to any contract or proposed contract with his client or employer or has a pecuniary interest in any other matter with which his client or employer is concerned;

(c) shall, when functioning as a member, advisor or employee of a public authority, a State enterprise or a government body or department, make prior full disclosure with respect to services provided by him or his organisation in private engineering practice and shall decline to participate in any considerations or actions where a conflict of interests is likely to arise.

Article 11. A registered engineer—

(a) shall not accept remuneration for services rendered other than from his client or employer;

(b) shall not accept compensation from more than one interested party for the same service or for services pertaining to the same work, under circumstances that may involve a conflict of interest, without the consent of all interested parties;

(c) shall not accept any royalty or commission on any article or process used on the work for which he is responsible without the consent of his client or employer;

(d) shall not, where he is acting in a consulting or any other capacity in respect of works, tender for work in any other capacity in respect of such works without the consent of his client or employer.

OTHER MEMBERS OF THE PROFESSION

Article 12. A registered engineer—

(a) shall conduct himself towards other registered engineers with courtesy, fairness and good faith;

(b) shall not accept any engagement to review the work of another registered engineer for the same employer or client except with the knowledge of such engineer, unless such engineer's engagement on the work has been terminated; and

(c) shall not maliciously injure the reputation or business of another registered engineer.

Article 13. A registered engineer—

(a) shall not compete unfairly by attempting to obtain employment, advancement or professional engagements by unfair bidding, that is to say by taking advantage of a salaried position, or by unfairly criticising other registered engineers;

(b) shall not attempt to supplant another registered engineer in a particular employment after becoming aware that definite steps have been taken towards the other's employment;

(c) shall not offer to pay, either directly or indirectly, any commission, political contribution, or a gift or other consideration in order to secure professional engineering work;

(d) shall not use equipment, supplies, laboratory or office facilities of his employer to carry on outside private practice without consent.

MISCELLANEOUS

Article 14. A registered engineer—

(a) shall undertake only such work as he is competent to perform by virtue of his training and experience; and

(b) shall not misrepresent his qualifications.

Article 15. A registered engineer—

(a) shall not advertise his work or merit in a self-laudatory manner, and shall avoid all conduct or practice likely to discredit or unfavourably reflect upon the dignity or honour of the profession; and

(b) may employ circumspect advertising to announce his practice and availability. Only those media shall be used as are necessary to reach directly an interested and potential client or employer, and

such media shall in themselves be dignified, reputable and characteristically free of any factor or circumstance that would bring disrepute to the profession or to the professional using them. The substance of such advertising shall be limited to fact and shall contain no statement or offer intended to discredit or displace another registered engineer, either specifically or by implication.

Article 16. A registered engineer—

(a) shall advise the Board of any practice which is contrary to the Code of Ethics and which has come to his attention;

(b) shall assist and co-operate with the Board and the Disciplinary Committee with respect to disciplinary enquiries and proceedings under this Act to the best of his ability.

SUBSIDIARY LEGISLATION

ENGINEERING PROFESSION (REGISTRATION) REGULATIONS

ARRANGEMENT OF REGULATIONS

REGULATION

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2. Interpretation.
3. Requirements for registration.
4. Application for registration.
5. Certificate of registration.
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ENGINEERING PROFESSION (REGISTRATION) REGULATIONS

114/1994.

made under section 29

Citation.

1. These Regulations may be cited as the Engineering Profession (Registration) Regulations.

Interpretation.

2. In these Regulations—

"the Act" means the Engineering Profession Act;

"the Register" means the Register of Registered Engineers.

Requirements for registration.

3. A person seeking to register as a registered engineer shall satisfy the Board that he has complied with section 4 of the Act.

Application for registration.

4. (1) A person seeking to register as a registered engineer shall submit his application and a fee of fifty dollars to the Registrar /Secretary.

(2) The Registrar/Secretary shall submit all applications to the Accreditation Committee for its report.

(3) The Registrar/Secretary shall forward all applications recommended by the Accreditation Committee to the Assessment Committee for review and its report.

(4) Where, upon receipt of the reports of the Accreditation and Assessment Committees the Board determines that the applicant—

(a) has satisfied all requirements for registration, the Board shall direct the Registrar/Secretary to inform the applicant in writing, indicating the fee payable for registration;

(b) has not satisfied all the requirements for registration, the Board shall direct the Registrar/Secretary to inform the applicant in writing giving the reasons for refusal and indicating his right of appeal to the Appeals Tribunal.

(5) The Registrar/Secretary shall enter the successful applicant's full name in the Register, the engineering discipline for which he is deemed qualified to practise and the date of his registration as registered engineer on payment, to the Registrar/Secretary, of a registration fee of five hundred dollars.

Certificate of registration.

5. (1) On registration the Registrar/Secretary shall issue a Certificate of Registration under the seal of the Board authenticated by the signature of the Chairman and the Registrar/Secretary.

(2) Issuance of a certificate shall be evidence that the person named therein is entitled to all the rights and privileges of a registered engineer while his registration is in force and to use the initials "R. Eng" after his name.

(3) The certificate shall remain the property of the Board and shall be returned to the Board where registration is suspended or cancelled.

Duplicate certificate.

6. (1) An engineer may apply to the Board for a duplicate Certificate of Registration where the original is lost or destroyed, on payment of a fee of one hundred dollars.

(2) A duplicate certificate shall be clearly marked "Duplicate".

Inspection of Register.

7. (1) The Registrar/Secretary shall permit the inspection of the Register, between the hours of 9.00 a.m. and 3.30 p.m. on Mondays to Fridays, on payment of a fee of five dollars.

(2) The Registrar/Secretary shall supply a list of registered engineers on payment of a fee of five dollars.